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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,488	01/09/2002	Hiroataka Nakano	1907-0206P	3283

2292 7590 07/13/2005

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2616

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,488

Applicant(s)

NAKANO ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 14, 15, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al (5,440,401).

Regarding claim 14, Parulski discloses an apparatus (Figs. 1, 4) for performing a method of distributing coded video data comprising the steps of:

generating a second coded video data (low resolution image data) by re-encoding a first coded video data (high resolution image data), storing the first coded video data and the second coded video data (Fig. 2) on a direct accessible medium (disc); selecting either the first coded video data or the second coded video data for transmitting over the communication channel, wherein the stored first coded data and the stored second coded data are separate from and independent of one another (Fig. 2) since either first coded data and second coded data can be selectively to be reproduced from the medium (column 1, lines 50-67, column 3, lines 20-50, column 4, lines 14-68).

Regarding claims 15 and 21, Parulski further teaches that the frames of second coded data composed by replacing frames of coded data with frames of re-encoded coded data in an arbitrary interval (Fig. 2).

3. Claims 15 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Tatsumi (5,594,736).

Regarding claims 15 and 21, Tatsumi teaches storing the coded data by replacing of coded data with frames of second coded data (re-encoded data) at an arbitrary interval (Figs. 22 and 23, column 20, lines 5-20).

4. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Naimpally (5,589,993).

Regarding claim 21, Naimpally teaches generating coded video data composed by replacing the coded data with frame of the received coded data with the corresponding frame of the second coded data since the frames of the second coded data are generated from the received first coded data (column 5, lines 8-14).

Applicant argues that Naimpally fails to teach or suggest wherein the coded video data stored is composed by replacing frames of the received coded video data with the corresponding frames of the re-encoded video data generated by the generating portion. In response, the examiner disagrees. Naimpally teaches that the frames of coded data are decoded and then the decoded frames are re-encoded for providing the frames of second coded data. It is clear that the frames of second coded

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data are replacing frames of the first coded data and the frames of second coded data are corresponding to the frame of the received coded data.

5. Claims 15 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoo et al (5,897,219).

Regarding 15 and 21, Yoo discloses an apparatus (Fig. 6) for perform a method of distributing coded video data comprising the steps of:

generating (213) a second coded video data by re-encoding a received first coded video data (column 3, line 60 to column 4, line 34) and storing the first coded video data or the second coded video data (Fig. 5) ;

Further for claim 15 , Yoo further teaches that the re-encoded video data frames are replacing frames of the received coded data frames at an arbitrary interval.

Regarding claim 21 , Yoo teaches generating coded data composed by replacing the frames of received coded data with the frames of the second coded data . The frames of the second code data are corresponding to the frames of the received coded data.

Applicant argues that Yoo et al fails to teach composing the coded video data by replacing frames of the received coded video data with the corresponding frames of the re-encoded video data generated by the video generating portion at an arbitrary interval.

In response, the examiner disagrees . It is noted that Yoo teaches the frames of received coded data are decoded and then the frames of decoded data are re encoded to provide the frames of second coded data . Therefore the frames of the

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second coded are replacing frames of the frames first coded data and corresponding to the frames of the first coded data .

6. Claims 15 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwon (5,418,658).

Regarding claim 15, Kwon teaches a recording apparatus for performing a method for storing the code data comprising the steps ;

receiving (12) the coded data (column 2, lines 50-68) ;

re-encoded the received coded data (20, column 3, lines 1-35);

storing the re-encoded data composed by are replacing frames of the frames of the received coded data with the frames of the encoded frames (column 4 lines 10-40) .

Regarding claim 21, Kwon teach frames of re-encoded data from encoded data frames (column 3, lines 1-35).

Applicant argues that Kwon does not teach the plural frames of second coded data are generated from plural frames of the first coded data . In response, the examiner disagrees . Kwon teaches that the frames of received coded data (first coded data) are decoded and then the decoded frames are re-encoded by intra-encoder (20) to provide the intra-frames frames of second coded data. It is clear that the second coded data composed by replacing frames of the received coded with the frame of the re-encoded data generated at an arbitrary interval (the interval comprise a number of frames).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 16-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoo et al in view of Tsuboi et al (5,371,602).

Regarding claims 16 and 20, Yoo teaches a video storage and communication device (Fig. 6) used for a video information communication system to distribute video data to a terminal set connected with a communication channel, the communication device comprising:

a receiving means for receiving the first coded video data (compressed video data)

a video generating portion (213) for generating a second coded video data different from the first coded video data by re-encoding the first coded video data storage portion(column 3, line 60 to column 4, line 34); and

a video control portion for selecting the first coded video data as it is, or to direct the video generating portion to generate the second coded video data by reading the first coded video data (column 3, line 60 to column 4, line 34).

Yoo fails to teach using a directly accessible medium for storing first coded data However, it is noted that using a directly accessible medium (disk)for storing the

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coded data is well known in the art as taught by Tsuboi (Fig. 1) . Therefore, it would have been obvious to one of ordinary skill in the art to modify Yoo by using a directly accessible medium as taught by Tsuboi for storing the coded data as an alternative source for providing the first coded data .

Regarding claim 17, Yoo further teaches that the video generating portion generates the second coded video data having a reduced number of video frames compared with the first coded video data since the second coded data comprises only intra- frames .

Regarding claim 19, Yoo further teaches a re-encoding portion for still picture encoding since the re-encoded data represents for I - frames and an I- frame considered as a still picture .

Response to Arguments

Applicant's arguments filed 22 February 2005 have been fully considered but they are not persuasive.

Applicant argues that " the low resolution image data is not stored independent and separate from the high-resolution image data. The high-resolution image data file includes the low-resolution image data. As such, Parulski et al fails to anticipate the present invention."

In response the examiner disagrees. It is noted that Parulski teaches that the low resolution image data is stored in a low resolution image file (area) that is

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different and separate from the high resolution image file (area) and the low resolution image data can be separately and independently accessed from the high resolution image file.. It is clear that the low-resolution image is stored independent and separate from the high-resolution image. Applicant argues that the high-resolution image data file includes the low-resolution image data . In response it is noted that applicant's argument does not reflect the claims since nowhere do claims recite that the coded video data (first coded video data) is not including the re-encoded image data (second coded video data).

Applicant argues that "With regard to the Examiners rejection of claim 15, the Examiner refers to Fig. 2 of the cited reference which refers to the storage of still image data. However, the present invention set forth in claim 15 recites a method for storing coded video data wherein the coded video data stored is composed by replacing frames of the received coded video data with the corresponding frames of the re-encoded video data generated by the video generating portion at an arbitrary interval. As Fig. 2 refers to still image data, the cited reference fails to teach this claim element. Further, there is no teaching or suggestion in Parulski et al that is directed to replacing the frames at an arbitrary interval. In response, the examiner disagrees . It is noted that Parulski teaches each frame for the coded data is re-encoded to form a frame of re-encoded data It is clear that the re-encoded image frame is a replacing frame of coded image at a arbitrary interval (the interval that a number of frames is generated).

Applicant argues that "In Figs. 22 and 23, col. 20, lines 5-20 referred to by the Examiner, Tatsumi et al. discloses a structure of the device by which the received coded video data is re-encoded and transferred to (stored in) an external storage. As described therein, when beginning and ending the data storing operation, communication control portion 142 selects whether the received coded video data is re-encoded and then transmitted, or transmitted without reencoding (col. 20, lines 6-9). Namely, as shown in Fig. 23, an initial screen (frame) is re-encoded at the beginning of the storing operation (Steps 2-5). Once the storing operation has begun, video data is transferred without re-encoding (Step 2 and Step 6). The above operation is also described in col. 20, lines 53-60 of the reference. However, Tsumi et al. fails to disclose "wherein the coded video data stored is composed by replacing frames of the received coded video data with the corresponding frames of the re-encoded video data generated by the video generating portion at an arbitrary interval" as set forth in claim 15." And fails to teaches "coded video data generated by replacing at least plural frames of the first coded video data with a second coded video data wherein the second coded video data is generated by re-encoding the plural frames" as recited in claim 21. As such, Tatsumi et al. fails to anticipate claim 21.

In response, the examiner disagrees. It is noted that Tsumi teaches that at beginning and ending storing portion, the frames of coded video data (first coded video data) are re-encoded to provide reencoded video data frames. Since the frames of coded video data are reencoded to provided frames of reencoded video data, the frames of re-encoded video data are replacing frames of the frames of coded

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video data . Tsumi teaches that the second coded video data are generated at a arbitrary interval that is the interval at which a number of frames of the reencoded video data at the begin and ending of storing the data are generated .

Applicant argues that " In Naimpally, Figs. 5 and 6 show the structure of coded data. Fig. 5 shows the output of multiplexer 318 shown in Fig. 3 .or 3a (col. 8, lines 25-27). The multiplexer 318 receives both a segment of a high resolution image generated by circuit 322 and a segment of a low resolution image generated by circuit 316 and supplies alternately both image segments to circuit 326 (col. 5, lines 1557). As described above, Figs. 5 and 6 show that low resolution image segment 512 and high resolution image segment 514 are recorded alternately and consecutively or both segments are recorded always in pairs. As indicated by the Examiner, the low resolution image (the second coded data) may "correspond to" the high resolution image (the first coded data). However, Naimpally discloses only the structure that both image data are recorded in pairs, but does not disclose that one image data is replaced with another. However, the present invention as set forth in claim 21 **recites coded video data generated from a first coded video data by replacing at least plural frames of the first coded video data with a second coded video data**. As Naimpally fails to teach or suggest this claim element, it is respectfully submitted that Naimpally fails to anticipate the present invention."

In response, the examiner disagrees. It is noted that Naimpally teaches that the frames of the received coded data are re-encoded to provide frames of re-encoded

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data. It is clear that the re-encoded data video comprises frames replacing the frames of the coded video data and the one image data is replaced with another. Each portion of the re-encoded video data in the medium is a replacing data of the coded video data.

Applicant argues that "the Examiner fails to provide any response to Applicants' arguments that Yoo et al. fails to teach replacing frames at an arbitrary interval." In response, the Yoo teaches that a re-encoded video data frames are derived from a plurality of coded video data frames and the arbitrary interval is an interval of a number frames of the second coded video data generated from re-encoding the first coded video data.

Applicant argues that "the Examiner fails to address the 'replacing frames ... at an arbitrary interval' and further fails to provide any support in the Kwon reference. The disclosure of Kwon is directed to a digital video signal recording/reproducing apparatus for longer playing time. While Kwon provides for an intra mode compression signal, there is no teaching or suggestion in Kwon that is directed to replacing frames at an arbitrary interval". In response, the examiner disagrees. It is noted that the arbitrary interval is the interval at which the coded data is re-encoded to provide intra frames.

Applicant argues that "In addition to the above, Applicants maintain that one of ordinary skill in the art would not look to the teachings of Tsuboi et al to cure the deficiencies of the teachings of Yoo et al. as asserted by the Examiner. Yoo et al. is recording/playback apparatus for a digital video cassette recorder, while Tsuboi et al. is directed to a picture data recording/reproducing system for recording compressed picture data and reproducing recorded data with plural reproduction modes. Applicants maintain that one of ordinary skill in the art seeking to modify the recording and playback apparatus of Yoo et al. would not look to the optical disk of Tsuboi et al. in order to modify the Yoo et al. recorder.

In response, it is noted that recording video data on vide cassette tape or an optical disc is well known in the art at the time the invention was made and using an optical disc as an alternative to the tape for storing the video data also taught in the prior art. Therefore, it is obvious using an optical disc with an optical disc recorder for recording the video data of Yoo as an alternative device to the a video tape with a cassette recorder.

Allowable Subject Matter

9. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUYNH NGUYEN
PRIMARY EXAMINER